

SUMMARY OF CLAIMS

Claims 1-25 and 45-53 are withdrawn. Claims 26-44 and 54-57 are under examination herein. Claims 1-57 are pending. Reconsideration is respectfully requested in light of the following remarks.

Applicant notes that claim 43 appears to be in condition for allowance as no rejection or objection has been made regarding this claim. Applicant requests clarification regarding the status of this claim.

REMARKS

I. Priority

An Amendment was filed on July 6, 2010 correcting the first paragraph of the specification in support of a correction to the priority claim. On July 7, 2010 a Renewed Petition Under 37 CFR 1.78(a)(6) to accept an unintentionally delayed benefit claim. Applicant believes these correct the priority claim.

II. Claim Rejections under 35 U.S.C. §102

Claims 26-41, 44, 54-57 remain rejected under 35 U.S.C. 102(e) for allegedly being anticipated by Chandra et al. (2004/0249620). Applicants traverse the rejection.

Applicants respectfully note that the specification is now amended to properly claim priority to U.S. Provisional Appl. No.: 60/353,176 with a filing date of February 4, 2002 and to U.S. Provisional Appl. No.: 60/421,772 with a filing date of October 29, 2002. Both of these applications were filed earlier than November 20, 2002, the filing date of the earliest provisional application to which Chandra et al. claim priority. Consequently, Chandra et al. cannot anticipate the instant invention and therefore, Applicants respectfully request the withdrawal of the rejection under 35 U.S.C. 102(e).

III. Claim Rejections under 35 U.S.C. §103

Claims 26, 40, 41 and 42 remain rejected under 35 U.S.C. 103(a) for allegedly being unpatentable over Chandra et al. (2004/0249620) as applied to claims 26 and 40, in view of Qu et al. (Intelligent Systems in Biology(2002) March/April, pages 21-27). Applicants traverse the rejection.

As noted in Section II above, the instant application has an earlier priority date than Chandra et al. Additionally, the priority date of Provisional Appln. No 60/353,176 is earlier than Qu et al. For both of these reasons, the cited references cannot make obvious the claims of the instant invention. Therefore, Applicants respectfully request the withdrawal of the rejection under 35 U.S.C. 103(a).

CONCLUSION

In light of the remarks set forth above, Applicants believe that they are entitled to letters patent. Applicants respectfully solicit the Examiner to expedite the prosecution of this patent application to issuance. Should the Examiner have any question, the Examiner is encouraged to telephone the undersigned.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit account No. 23-2415 (Attorney Docket No. 27763-705.831) for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

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